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Sent: Thur 4/27/2017 3:16:02 PM

Subject: News Articles (For EPA Distribution Only)

BNA DAILY ENVIRONMENT REPORT ARTICLES

States Weigh Impact on Enforcement if EPA Grants Cut

Posted: Apr 27, 2017, 6:01 AM EDT

By *Renee Schoof*

Louisiana, a state with many chemical plants and refineries to oversee, is wondering how the Trump administration's proposed cuts of EPA grants to states would hit home.

Environmental Protection Agency Administrator Scott Pruitt's call for states to take a bigger role in environmental protection comes as the administration also wants to cut the EPA's budget by 31 percent and the agency's grants to states by 44 percent. While they await more details on the president's budget blueprint—and for Congress to make the final decision on funding—states such as Louisiana and its neighbors in Region 6 are considering the changes that could lie ahead.

The Trump administration has been asking states to take greater authority for environmental protection since its beginning, Louisiana Department of Environmental Quality Secretary Chuck Carr Brown said.

"I find that odd," he told Bloomberg BNA. "You want the states to do more and yet you're cutting funding. I just don't see how the two go hand in hand."

The LDEQ receives about \$18 million a year from the EPA, and a cut of nearly \$9 million might mean the agency would have fewer people following up on permits, Brown said. If staffing went too low, the state would have to tell the EPA that it was handing back some of its permitting responsibilities, leading to a dual state-federal permitting system that no industry would want, he said.

Oklahoma's Department of Environmental Quality gets about 30 percent of its funding from federal grants, and also could lose staff if the cuts were large, Deputy Executive Director Jimmy Givens said.

In the area of environmental enforcement, the most immediate impact would be in the number and frequency of inspections, Givens told Bloomberg BNA.

"If you have fewer inspections, you certainly have the potential to have fewer enforcement actions," he said.

Givens said he's heard about calls for states to be fuller partners with the EPA, "and we are certainly willing to take our responsibility." But it's not clear how more responsibility can be coupled with a decrease in resources, he said.

"That's what's perplexing Oklahoma, along with all the other states," Givens said.

‘Cooperative Federalism’

Pruitt has spoken of “cooperative federalism” in broad terms since his confirmation hearing in January.

“The administrator’s commitment to cooperative federalism means that we want to make sure states are active partners in the implementation, enforcement and development of environmental statutes,” an EPA spokesperson told Bloomberg BNA in response to a question about Pruitt’s approach to enforcement.

The Trump budget blueprint would cut the budget for the Office of Enforcement and Compliance Assurance by \$126 million, or 23 percent below the fiscal year 2016 enacted budget.

“OECA’s work is an important part of targeting the most serious water, air and chemical hazards, and we recognize their role in enforcing our environmental laws and building our relationship with states and tribal partners to make sure we are delivering on our shared commitment to a clean and healthy environment,” the spokesperson said.

The Trump blueprint calls for avoiding duplication. EPA would no longer share enforcement authority with states in cases of air, water and other pollution, but would instead provide oversight.

The assistant administrator in charge of OECA throughout the Obama administration, Cynthia Giles, wrote recently that it’s wrong to think that “if the EPA pulls back, the states can pick up the slack.” The reasons, she argued, include: States don’t enforce laws when those harmed by pollution live in another state; many large companies that violate the laws operate in multiple states, and so a single case handled by EPA works better than individual ones; “many states don’t take action to enforce criminal environmental laws”; and some states don’t have the political will to join environmental suits against major companies.

The EPA, however, said Pruitt’s approach would cost less and work better. Pruitt “is committed to leading the EPA in a more effective, more focused, less costly way as we partner with states to fulfill the agency’s core mission,” spokesman J.P. Freire told Bloomberg BNA. “Washington shouldn’t get in the way of the 50 states across our nation who care about air, land and water.”

Freire also described Pruitt’s approach to environmental enforcement as “stepping up our work alongside the states in assisting stakeholders with compliance to ensure fewer violations.”

“Enforcement will continue, of course, but giving greater compliance assistance at the outset will help protect human health and the environment,” he said.

View From Region 6

States use their general funds and other resources, as well as the grants, to carry out their

programs, including compliance and enforcement.

In Louisiana, where federal funds make up about 15 percent of the Department of Environmental Quality's budget, a 44 percent cut in state grants nonetheless would be significant, Brown said. The LDEQ staff already declined from more than 1,000 to 677 in the past eight years due to budget cuts.

Brown said Louisiana and Texas now are "the leaders from a surveillance and enforcement standpoint." Together, they have an unusually large amount of industry they must oversee, he said.

Both states have divisions that handle enforcement and compliance, and both put public reports online about the cases they have handled. The Louisiana DEQ, for example, highlighted in its 2016 annual report that its Criminal Investigation Section handled eight criminal cases and that its Office of Compliance issued 1,942 civil enforcement actions.

The Texas Commission on Environmental Quality's Office of Compliance and Enforcement, which handles most of the state's environmental investigations and notices of violation, has 540 investigators in 16 regional offices for civil complaints. Its enforcement division includes 10 criminal investigators, two attorneys and one manager who handle environmental crimes investigations.

TCEQ officials declined to comment on the president's budget blueprint because it was not a detailed budget proposal. The details of Trump's budget proposal are due in May, and then Congress will make funding decisions.

Oklahoma's Givens said his department received about 30 percent of its funding from federal grants. The money is used broadly for the state's water, wastewater, hazardous waste and air programs, he said. Enforcement and compliance work is part of the department's program offices, rather than a separate division. A 44 percent cut in state grants would hamper Oklahoma's ability to write and implement permits and other functions, as well as its enforcement work, he said.

Oklahoma's DEQ has a three-person section that handles criminal investigations and refers cases to district attorneys for prosecution, Givens said. Civil cases are handled through an administrative law judge. Like some other states, Oklahoma does not make environmental cases public online.

"I do think the EPA has a role to play, even though the state has the ability to take its own enforcement actions," Givens said. "They need to ensure, for lack of a better term, that there's a level playing field across the country. That would be one thing that we would have a particular interest in—to make sure EPA continues that role so there's not a race to the bottom, either in program implementation or enforcement."

Arkansas Department of Environmental Quality Director Becky Keogh, speaking on the sidelines of a recent Environmental Council of the States conference, said it was unclear what a

budget cut would mean for enforcement because the state also gets funds from fees.

The New Mexico Environment Department did not respond to requests for comment.

Less Money, Less Enforcement?

Karen C. Sokol, an associate professor of law at the Loyola University New Orleans College of Law whose teaching and research interest includes environmental law, said enforcement likely will be scaled back if grants are cut.

The proposed reduction of state grants was “clearly sweeping deregulation, because it guts state powers to do anything,” she said.

Even if the grants were not cut, the overall 31 percent reduction to EPA’s budget would hobble states, according to Sokol. EPA regional offices provide expertise of engineers, scientists and others, as well as help with responses to environmental disasters.

Steven Chester, a former deputy assistant administrator for the EPA Office of Enforcement and Compliance Assurance, said the proposed budget cuts would hit states hard. He also is a former director of the Michigan Department of Environmental Quality and now is senior counsel at Miller Canfield in Lansing.

The money would have to be made up by raising fees or getting an increase in general funds, neither of which is very likely in most states, Chester said.

“It will vary by state of course, but compliance and enforcement will get chopped and chopped significantly,” he told Bloomberg BNA. “Compliance and enforcement are core activities, don’t get me wrong. But there are other activities you can’t forego,” such as air monitoring and permitting.

In addition, the budget cuts suggest there will be less oversight of states by the EPA, Chester said.

“Each one of these states and each state environmental agency exists within a political environment, and it’s not uncommon for state legislatures to try to pare back what state environmental agencies can do,” he said.

Flexible Spending

The EPA state grants that are subject to the 44 percent reduction proposal were created in a way to give states more flexibility. Some grants were set up in Performance Partnership Agreements, such as the one that Louisiana’s environment department signed with the EPA in 1998. The agreements defined the roles and responsibilities of state environmental agencies and the EPA.

Texas revised its agreement in 2005. Oklahoma’s PPA dates to 1996, but its principles are applicable today, said Erin Hatfield, Oklahoma Department of Environmental Quality

communications director.

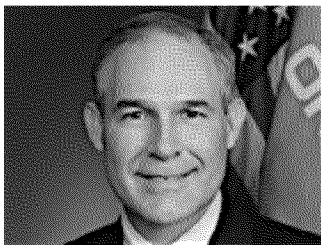
The agreements and Performance Partnership Grants, or block grants from the EPA to the states, are part of an agency system dating to 1995 that spells out the state-EPA partnership.

Today there is more attention to these kinds of agreements and grants because they provide states greater flexibility for how they use federal funds, Environmental Council of the States Executive Director and General Counsel Alexandra Dapolito Dunn said.

ECOS is working to get more types of grants included in the block grant so that states can use the funds as needed, Dunn said.

“Whatever Congress does, it’s likely we are moving to a more lean budget time,” she said. “You have to be flexible when you have fewer dollars.”

Pruitt Likely to Bow Out of Fundraising Gala Over Legal Concerns



Snapshot

- Scott Pruitt likely won't attend an Oklahoma Republican Party gala due to concerns over violations of the Hatch Act
- A gala flier uses Pruitt's full title, which the law directly prohibits

By Brian Dabbs

EPA Administrator Scott Pruitt will likely bow out of an upcoming event to avoid violating a law on mixing government activity and political fundraising, an agency spokeswoman told Bloomberg BNA April 26.

That tentative determination came only hours after Sen. Sheldon Whitehouse (D-R.I.) alleged Pruitt would likely violate the Hatch Act by attending an Oklahoma Republican Party fundraising gala May 5.

A flier publicizing the event includes Pruitt's full title and appears to directly link the former Oklahoma attorney general to the fundraising effort, according to a watchdog official. That

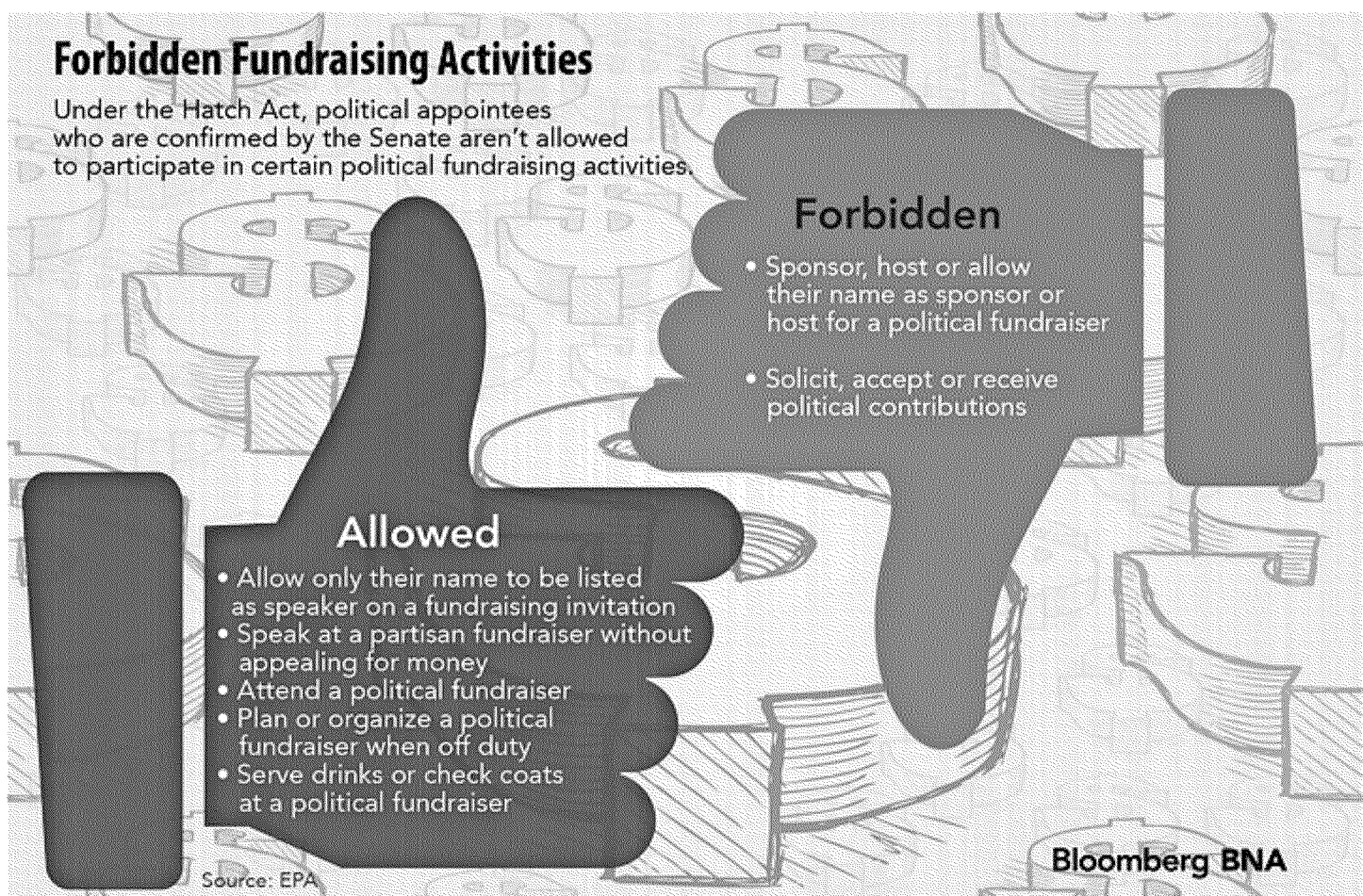
messaging appears to violate the law, officially called the Act to Prevent Pernicious Political Activities, even according to an EPA [primer](#).

Whitehouse asked the U.S. Office of Special Counsel (OSC) to investigate.

‘Probably’ Won't Go

“We're going to try to fix it and if not we just won't go,” EPA spokeswoman Liz Bowman told Bloomberg BNA. “We probably just won't end up going.” Bowman labeled the situation a “misunderstanding” between EPA and the Oklahoma party, which didn't respond to a Bloomberg BNA request for comment.

“During his short tenure as EPA Administrator, Pruitt has overseen the rollback of the Waters of the US rule, called for an exit from the Paris Climate Agreement, and championed a return to EPA ‘originalism,’” the flier reads. “You do not want to miss Pruitt at this year's OKGOP Gala, as he discusses his plans to slash regulations, bring back jobs to Oklahoma, and decrease the size of the EPA!”



Bowman said the agency wants to ensure it stays in compliance with ethics rules.

“We take the rules by which federal officials must participate in public events very seriously,” she said. “We worked with our ethics office to ensure attendance at this event would comply with rules, and this flier unfortunately doesn't reflect those requirements.”

An OSC official declined to comment but pointed to the Hatch Act provision that prohibits the use of an official title in fundraising communications.

Violation a ‘Foregone Conclusion’

The flier is a clear-cut violation of the act, watchdog groups said April 26.

“This is a direct intermingling of official duties and title and political fundraising,” Craig Holman, a government affairs lobbyist at Public Citizen, told Bloomberg BNA. A violation is “a foregone conclusion for this event. They've already received funds and the flier has already gone out.”

The party can schedule another event that complies with the Hatch Act and still have Pruitt attend, Holman said.

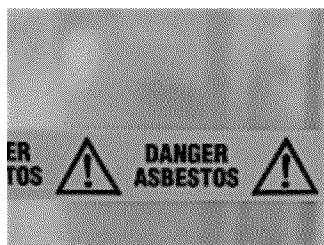
Holman linked the flier to what he called a broader disregard for ethics rules in the administration of President Donald Trump, and another watchdog group said the situation represents another blip in Pruitt's personal record.

“As Oklahoma Attorney General, Pruitt used his position to peddle the agendas of oil and gas companies. Now, not even three months into his tenure as head of the EPA, he appears to be violating ethics laws,” Nick Surgey, research director of the Center for Media and Democracy, said in a statement. Surgey's group is still litigating the disclosure of Pruitt's email correspondence with the fossil fuel industry as attorney general.

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TVA Liable for Take Home Asbestos in Alabama



Snapshot

- The Tennessee Valley Authority had duty to warn wife of an employee about dangers of asbestos brought home
- Alabama joins the list of states recognizing an employer's duty to a worker's spouse

By Peter Hayes

The Tennessee Valley Authority owed a duty to warn the wife of an employee about the danger to her of asbestos brought home on his clothing, the Eleventh Circuit ruled (*Bobo v. TVA*, 11th Cir., 15-cv-15271, 4/26/17).

The court interpreted Alabama law in a case of first impression, one that presents a new question for courts to consider.

The injury to Barbara Bobo was foreseeable and the TVA created a risk of injury to family members by using insulation containing asbestos and failing to prevent employees from carrying fibers off site, the U.S. Court of Appeals for the Eleventh Circuit said.

Bobo's husband worked at TVA cleaning up insulation containing asbestos. His wife washed his work clothing, which was covered in dust.

She brought suit after being diagnosed with mesothelioma.

California, New Jersey, Tennessee, Louisiana and Washington are among states that have recognized a property owner's obligation to household members.

At least eight other states have declined to impose a duty on employers to prevent take-home asbestos exposure. They are Pennsylvania, Arizona, Delaware, Georgia, Iowa, Maryland, Michigan and New York.

Judge Ed Carnes wrote the opinion, joined by Judges Adalberto Jordan and Royce C. Lamberth.

Watson McKinney, LLP in Huntsville, Ala., and Simon Eddins & Greenstone in Dallas represented the estate of Barbara Bobo.

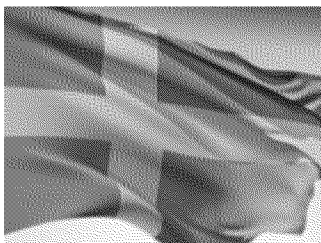
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For More Information

Full at <http://src.bna.com/oh1>

Sweden Seeks to Ensure Companies Aware of New EU Chemical Rules



Snapshot

- New information requirements for chemical mixtures effective from 2020
- Companies likely unaware of new responsibilities, Swedish official says

By *Marcus Hoy*

Sweden's chemical agency, worried that too many companies are unaware of a new European Union legal amendment involving chemical mixtures, is notifying importers and distributors of those mixtures about their upcoming responsibilities.

EU's Parliament in March adopted Annex VIII of the EU CLP Regulation (1272/2008) on the classification, labeling and packaging of substances. It will become mandatory in stages from 2020 and will affect companies trading in common products such as detergents, paints and adhesives in the European Economic Area (EEA).

“We believe that, at present, there are many companies in Sweden that are not fully aware of the new requirements entailed by in Annex VIII,” Susanna Norrthon Risberg, an adviser to the chemical agency Kemi, told Bloomberg BNA April 25 in explaining Kemi's decision to publish an April 19 statement about the amendment. “Therefore, there is a need to inform and guide stakeholders.”

Currently, the CLP regulation requires companies placing potentially poisonous chemical mixtures on the market to provide product information to national poison information centers (PICs) across the bloc, which can then be accessed by emergency services, doctors and other health-care professionals. Most national PICs require detailed information on the substances contained in such mixtures, including their chemical composition, potential hazards and toxicity, but have different requirements related to their format and language.

As a result, “companies need to prepare for submitting the information in the new, harmonized format,” Risberg said. “They also need to generate unique formula identifiers and include the codes on the labels. The difference in workload for companies compared to today will depend on what kind of information they currently submit to the PICs.”

Delicate Balance

When the amendment becomes effective, importers and so-called “downstream users” must submit the information to the European Chemicals Agency in a new standardized format. ECHA will then distribute the information to national PICs.

For mixtures intended for use by consumers, the requirements will apply starting Jan. 1, 2020, while for mixtures for professional or industrial use the requirements will apply as of Jan. 1, 2021, and Jan. 1, 2024, respectively. The new rules will apply to all chemical mixtures that are potentially hazardous to health, including mixtures that are flammable.

“It has been a delicate job to find a balance between what PICs require to meet their responsibilities and, at the same time, minimize the burden on industry,” Risberg said. “The ECHA is working to develop tools and guidance on the interpretation and application of the new regulation. We hope that it will help us to interpret the new Annex VIII as well as affected companies.”

Current obligations to submit information to national PICs were inconsistent, Peter Smith, executive director for product stewardship at the European Chemical Industry Council (CEFIC), told Bloomberg BNA.

“Some only require safety data sheets, others require more information while some nations don't have a poison center,” he said in an April 26 statement. “These new requirements will increase the documentation burden because it is a new obligation. Regarding the composition of the mixtures, the information to be provided is more exhaustive. To cite a couple of examples, information on the full composition of the mixture will be required, plus information such as the format and type of packaging.”

All companies located in the European Economic Area that import mixtures to the EEA, as well as producers of chemical mixtures located in the European Economic Area will be affected. Non-EEA companies placing products directly onto the EEA market will also be covered by the obligation.

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For More Information

The amendment is available in English at <http://src.bna.com/ogt>.

Kemi's statement, in Swedish, is available at <http://src.bna.com/ogu>.

Regulatory Accountability Act Introduced With New Twist



Snapshot

- Portman, Heitkamp introduce Regulatory Accountability Act
- Bill includes new provisions to attract Democratic support
- Public interest groups say bill is corporate giveaway

By Cheryl Bolen

A bipartisan pair of senators introduced April 26 a version (S. 951) of the well-known Regulatory Accountability Act, but with a new twist that its sponsors hope will attract more support from Democrats than in the past.

Sen. Heidi Heitkamp (D-N.D.) said she worked with Sen. Rob Portman (R-Ohio), the sponsor of the bill in previous Congresses, to make key additions to the legislation, which would update the Administrative Procedure Act and make other changes to the rulemaking process.

“So we've been able to negotiate what's called in law a ‘savings clause,’ which would send a clear message that if there is a particular procedure that has been legislated in Congress for that regulation, that procedure dictates how that rule will get promulgated,” Heitkamp said at a Capitol Hill press conference.

Portman's versions of the bill in prior sessions were opposed by former President Barack Obama and did not advance in the Senate. The U.S. Chamber of Commerce has made the bill its top legislative priority in the area of regulation this year.

Thin Democratic Support

In addition to Portman and Heitkamp, the bill's sponsors this year include Sens. Orrin Hatch (R-Utah) and Joe Manchin (D-W.Va.). Notably absent from this list is Sen. Claire McCaskill (D-Mo.), the ranking member of the Senate Homeland Security and Governmental Affairs Committee, which is the committee of jurisdiction.

The House in January passed a significantly different version (H.R. 5) of the bill sponsored by Judiciary Committee Chairman Robert Goodlatte (R-Va.). The 238-183 vote was bipartisan, just five Democrats joined all Republicans in voting for the measure.

“Senator Portman and Senator Heitkamp have been champions with me in identifying 21st century regulatory reforms that can prevent the undue negative impacts regulations are having on our economy and modernize the rulemaking process to help the American people,” Goodlatte said in a statement.

However, in addition to the savings clause, Heitkamp said there were “substantial differences” from the House version of the legislation that led her to co-sponsor the Senate bill. And additional changes will probably be needed to attract more support, she said.

Transparency or Delay?

Under the bill, before proposing any major rule with an economic impact of at least \$100 million annually, agencies would be required to issue a public notice that explains the problem they intend to address and invite the public to comment.

Another provision of the bill would apply specifically to “high-impact” rules, or those with an economic impact of \$1 billion or more annually. The bill would give parties affected by the rules access to an administrative hearing to test the accuracy of the evidence and assumptions underlying the agency's proposal.

“The name of the game with the Regulatory Accountability Act is to delay the enforcement of bedrock public interest laws and to tilt the playing field further in favor of corporate interests,” said Rena Steinzor, a member scholar at the Center for Progressive Reform, in a statement.

Better End Result

Nowhere is this objective clearer than in the bill's mandate that certain rulemakings undergo formal hearings, Steinzor said. “This procedural hassle was wisely dispensed with decades ago because it was impractical,” she said.

The bill's sponsors, however, said criticism that the legislation is intended to delay or stop regulation is unfounded.

“That critique was inaccurate then and it's more inaccurate now,” Portman said, arguing that the bill clarifies deadlines and expedites processes.

“People who say that this additional engagement is going to take more time—it may take some more time on the front end, but you'll get a better rule and a rule that can survive judicial scrutiny,” Heitkamp added.

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INSIDEEPA.COM ARTICLES

Free-Market Group Defends CRA's Legality From Environmentalists' Attack

A free-market group is laying out an early rebuttal to environmentalists' novel court challenge to the Congressional Review Act (CRA), previewing arguments the Trump administration and its allies could raise as they defend the constitutionality of the CRA resolutions Congress has used to invalidate 13 Obama-era regulations.

Critics Fear EPA Budget Will Spur State Race To The Bottom On Enforcement

Preliminary Trump administration plans to cut EPA enforcement spending on delegated programs risk a race to the bottom on environmental compliance that could hamper state as well as federal enforcement and create competitive disadvantage for companies that comply with environmental laws, a former agency official and other observers say.

GREENWIRE ARTICLES

Bipartisan Senate bill would overhaul rulemaking

Sens. Rob Portman (R-Ohio) and Heidi Heitkamp (D-N.D.) introduced bipartisan legislation this morning to change the way agencies issue rules for the first time in 70 years.

The long-awaited "Regulatory Accountability Act" would amend the 1946 Administrative Procedure Act by requiring federal agencies to conduct cost-benefit analyses.

Activists crash Heritage Foundation over cuts

Protesters stormed the conservative Heritage Foundation yesterday, condemning President Trump's proposed budget cuts and the group's role in drafting them.

That same evening, Heritage used the demonstrations as fuel for fundraising. In an email to supporters, President Jim DeMint said the foundation was proud of its "Blueprint for Balance" that informed the White House proposal, and asked for contributions.

HEMICAL WATCH ARTICLES

House Republicans eye conflict minerals repeal measure

27 April 2017 / Metals, United States

House Republicans are gearing up to reintroduce a bill to repeal the conflict minerals reporting rule, as part of a broad effort to overhaul US financial regulations.

Financial Services Committee chairman Jeb Hensarling (R–Texas) recently released a discussion draft of the Financial CHOICE [Creating Hope and Opportunity for Investors, Consumers and Entrepreneurs] Act of 2017. Like the bill of the same name introduced in the last session of Congress, it calls for a repeal of section 1502 of the Dodd-Frank Act, and that the provisions of the law affected by the section be "restored or revived as if [it] had not been enacted".

Section 1502 requires publicly traded companies to conduct due diligence and report to the Security and Exchange Commission (SEC) on whether their sourcing of conflict minerals – tin, tungsten, tantalum and gold (3TG) – is supporting armed groups in the Democratic Republic of Congo (DRC), or neighbouring countries.

The committee convened a hearing this week on the measure, with Republicans reporting that several industry representatives praised their "alternative to the failed Dodd-Frank Act".

Mr Hensarling's bill stalled in committee last year. However, it now faces a more friendly political climate with a Republican-controlled White House and Congress.

Despite headwinds to passing a comprehensive financial regulatory reform, the proposal to slash to the conflict minerals reporting requirement comes amid a torrent of pressure against the controversial rule.

The SEC has been reviewing the reporting requirement since the beginning of this year, with some in industry calling for the measure to be rolled back or repealed. And following the recent end of a years-long litigation against the rule, the agency announced it would no longer be enforcing certain provisions.

Automotive and electronics industries associations recently flagged up the scheme to the Department of Commerce as a top regulatory burden, under a consultation to enforce a Trump administration executive order to reduce onerous regulations.

The US Department of State is also accepting public comments until the end of this week on whether the reporting regime merits modification.

Meanwhile, reports have circulated that the Trump administration has been contemplating an executive order that would put the rule on hold for two years. And the president has continued his campaign call for overhauling the Dodd-Frank legislation, amid broader efforts to curtail

regulations deemed onerous by industry.

Kelly Franklin

Editor, North America

Related Articles

- [US House advances conflict minerals reporting repeal measure](#)
- [Outlook hazy for Dodd-Frank and conflict minerals reporting](#)
- [Industry divided over future of US conflict minerals rule](#)
- [Industry divided over future of US conflict minerals rule](#)
- [Final judgement entered in US conflict minerals litigation](#)
- [US SEC to dial back conflict minerals rule enforcement](#)
- [TSCA new chemicals programme named a top regulatory burden](#)
- [Trump executive order seeks to 'rationalise' financial regulations](#)

Further Information:

- [Discussion draft](#)

'No legal basis' for conflict minerals enforcement slack, Democrat senators

27 April 2017 / Metals, Mining & minerals, United States

Six Democrat senators have urged Michael Piwowar, acting chairman of the Security and Exchange Commission (SEC), to rescind his [recent directive](#) to partially halt enforcement of the US conflict minerals reporting rule.

Section 1502 of the Dodd-Frank Act requires publicly traded companies to conduct due diligence and report to the SEC on whether their sourcing of tin, tungsten, tantalum and gold (3TG) is supporting armed groups in the Democratic Republic of the Congo (DRC), or neighbouring countries.

But earlier this month, Mr Piwowar said the agency would not seek enforcement action for a section of the law mandating companies submit enhanced disclosure on their due diligence efforts.

In a letter to Mr Piwowar, the senators said they "see no legal basis for your unilateral move to halt [the rule's] enforcement." It was co-signed by senators Cory Booker (D-New Jersey), Sherrod Brown (D-Ohio), Richard Durbin (D-Illinois), Chris Coons (D-Delaware), Patrick Leahy (D-Vermont), and Elizabeth Warren (D-Massachusetts).

They claim that the directive conflicts with the Dodd-Frank statute and is at odds with a recent

court ruling. An act of Congress is required to change the requirements of the law, they wrote, and steps to repeal or modify the rule require a "transparent, formal review and opportunity to comment by all stakeholders".

They called for the reporting rule's full enforcement.

The senators also voiced concern at Mr Piwowar's recent actions regarding the conflict minerals rule, including his opening a consultation soliciting public feedback on its future. Such actions "lack adequate justification, undermine the mission of the SEC, exceed your authority as acting chairman, and raise questions about whether you may have violated other procedural requirements," they wrote.

The letter went on to note the "dangerous precedent" set when an acting chairman "decides which laws the SEC should enforce."

"We are concerned about your intention to direct the agency to ignore other laws."

The letter comes as pressure mounts against the reporting rule. A House committee held a hearing earlier this week on a financial reform bill that would repeal the SEC's rule entirely.

Related Articles

- [US SEC to dial back conflict minerals rule enforcement](#)
- [Final judgement entered in US conflict minerals litigation](#)
- [Industry divided over future of US conflict minerals rule](#)

Further Information:

- [Press release](#)

EU member states agree to keep skin sensitisers in SVHC roadmap

Coordination group's proposal for exclusion rejected

27 April 2017 / Classification, Europe, REACH, Sensitisers, SVHCs



Skin sensitisers should remain part of Echa's SVHC 2020 roadmap, according to members of the Competent Authorities for REACH and CLP (Caracal). They reached their conclusion after considering a proposal for their exclusion at a meeting in March.

The SVHC Coordination Group for Human Health, an informal working group with participants from member states, the European Commission and Echa, issued a paper that included a proposal for exclusion due to the difficulty of proving 'equivalent level of concern' (ELoC) to other substances classified as SVHCs.

The paper was a response to last year's Commission decision not to add skin sensitiser HDDA to the REACH candidate list, citing lack of evidence.

HDDA is the first skin sensitiser to be proposed as an SVHC. It is also the first case where Echa's paper *Identification of substances as SVHCs due to equivalent level of concern to CMRs (Article 57(f)) – sensitisers as an example* was used as support in an ELoC assessment of a skin sensitiser.

The SVHC Coordination Group's paper says it is not clear what kind of evidence the Commission would consider to motivate ELoC for skin sensitisers. And, it adds, member states would benefit from clearer guidance on data requirements.

The paper also says that views on how Echa's paper should be interpreted vary between member states, and the section on skin sensitisers may need to be updated following the Caracal discussions.

However, the paper did say that regulatory work on these substances "should not be abandoned". A need remains, it says, for further evaluation under other risk management measures, such as harmonised classification and labelling (CLH), product-specific and occupational safety and health (Osh) legislation.

'Proportionate strategy'

In comments to Chemical Watch, Sweden, which made the initial SVHC proposal for HDDA, said it is currently "not reasonable" to pursue skin sensitisers under the SVHC roadmap.

"What kind of evidence the European Commission considers sufficient for identifying a skin sensitiser as an SVHC is not clear to us, but we note that evidence must be of a kind which is not available for HDDA," a spokesperson for the Swedish Chemicals Agency (Kemi) said.

Ducc, the downstream users of chemicals coordination group, also said it supports the removal of skin sensitisers from the SVHC roadmap, as it does not see any circumstances under which skin sensitisers could be considered as an ELoC to CMRs.

"We encourage Echa and the Commission to develop a proportionate strategy for skin sensitisers and to identify the most appropriate alternative risk management options in relevant cases," said Janice Robinson, Ducc chair.

Clelia Oziel

Reporter

Related Articles

- [2020 SVHC candidate list target on track, Echa says](#)
- [Member states reject proposal to add HDDA to candidate list](#)
- [Sweden proposes PFNA and HDDA for candidate list](#)

Further Information:

- [SVHC Coordination Group paper](#)

Five hundred NGOs push for Asean ban on microplastics in cosmetics

27 April 2017 / Indonesia, Malaysia, Microplastics, Personal care, Philippines, Thailand

More than 500 environmental and consumer groups have called on the governments of the ten Asean member states to ban the use of microplastics in personal care and cosmetic products (PCCPs).

The groups have sent a joint petition to the governments and national cosmetic regulatory agencies. Signatories include the EcoWaste Coalition in the Philippines, the Consumers' Association of Penang in Malaysia and Indonesia's Balifokus foundation.

They justify their push by referencing it to [last year's](#) United Nations Environment Assembly (Unea) resolution. This urged governments and product manufacturers to phase the plastics out of personal care products.

Several other governments, such as [the UK](#), [Ireland](#), [Canada](#), [South Korea](#) and the EU [Nordic countries](#), are expected to implement such a ban soon.

For more detail on this story go to [CW+AsiaHub](#).

Related Articles

- [Unea2 adopts resolution on sound chemicals management](#)
- [Cosmetics firms urge UK to limit microbeads ban to rinse-off products](#)
- [Ireland consulting on proposed microbeads ban](#)
- [Canada proposes microbeads ban](#)
- [South Korea proposing microbeads ban in cosmetics](#)
- [Nordic Council considers ban on microbeads in cosmetics](#)

- [500 NGOs push for Asean ban on microplastics in cosmetics](#)

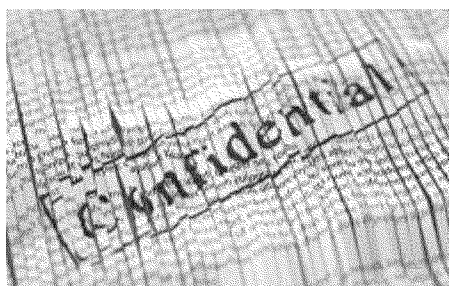
Further Information:

- [EcoWaste Coalition statement](#)

Law firm warns of US EPA plans to publish studies under TSCA

Information will remove confidentiality status, says Mayer Brown

27 April 2017 / Confidentiality & right-to-know, Data, TSCA, United States



US EPA plans to publish full chemical study reports under the new TSCA will be a disaster for data owners, says a prominent Brussels-based lawyer.

Under Section 14 of the law, the EPA can publish health and safety studies, including data generated on substances. But Jean-Philippe Montfort, a partner at Mayer Brown, says companies will download and use the published data in regulatory filings elsewhere, such as South Korea and the EU, and consider that they are in legitimate possession of the data because it is publicly available.

This, he told Chemical Watch, "would be a disaster for data owners, because once the studies are published, it would be very difficult for them to ensure the protection of their rights on such data."

Proving that publication of such reports would not allow them to be used for regulatory purposes in the EU, South Korea or China is likely to be difficult, he added. In the EU, he said, where registrants must be in legitimate possession of the full study reports, Echa says it is "not equipped" to assess the IP rights concerning registered data. Therefore the data owner's only option is to take legal action through the courts of a member state, demonstrating that the data published by the EPA is either copyright protected, or that its use under REACH would represent a dishonest commercial practice.

These actions, he warned, "take time, cost money and may simply not make sense financially for the data owners."

Using copyright

Another prominent lawyer in the field, Keller & Heckman partner Herb Estreicher, says that Section 14 offers only very limited opportunity for the data submitter to claim confidentiality.

To avoid data being published, he says, the submitter could indicate on the study that it is protected under copyright and is not authorised for use in other regulatory programmes, such as REACH. It could then try to challenge its use for REACH purposes under copyright law – although this has never been tested in the courts.

Another option, he says, would be for the submitter to include certain commercial details in the test report, such as process details, and claim confidentiality for that portion as Section 14 prevents the EPA from disclosing such information.

The data submitter could then challenge the use of the study under REACH, he told Chemical Watch, because the registrant would not have access to the full study report. However, this too has not yet been tested in court.

Global data-sharing?

Mr Montfort says protecting the interests of data owners is an issue chemicals regulators should address pragmatically. "If regulators want companies to generate more data and want that data to be published, they also should find ways of protecting data rights, otherwise the regulators will miss their objectives."

In interviews during Chemical Watch's Global Business Summit in Amsterdam last month, both lawyers talked about the challenges of establishing a global data-sharing system.

A major barrier, they say, is the lack of acceptance of read-across outside the EU. Mr Estreicher said a lot of the EU dossiers rely on read-across, which is "a concept that has not been widely embraced around the world.

"I'm not sure European dossiers, which are constructed using weight-of-the-evidence and read across, and use sophisticated and appropriate strategies, are going to be acceptable around the world."

This is unfortunate, says Mr Montfort, because there is a willingness from the EU to share the data. "Most companies are not trying to make large sums of money from their data, they just want to make sure it is used so that new data isn't being generated."

The EPA did not respond to Chemical Watch's request for comment on the issues raised by the time of publishing.

In this month's [Global Business Briefing](#), Mr Montfort writes about the challenges to establishing a global data-sharing system. You can also read more about [data-sharing under the new TSCA](#) in an article by Mr Estreicher in the March issue.

And speaking at the Chemical Watch/Chemical Risk Manager REACH Expo in Berlin yesterday, fellow Mayer Brown lawyer, Thomas Delille said the REACH implementing Regulation on data sharing has placed significant demands on companies managing existing agreements between registrants.

Leigh Stringer

Global Business Editor

Related Articles

- [Sharing data under a reformed TSCA](#)
- [Lawyer warns of continued data-sharing and joint registration challenges](#)

Further Information:

- [Section 14 of TSCA](#)

Ifra urges rethink on poison centre notifications for fragrances

Formulations should not automatically be categorised as for consumer use, says trade body

27 April 2017 / Accidents, emergency response & poison centres, Cleaning products, Europe, Personal care



The International Fragrance Association (Ifra) has urged member state competent authorities and the European Commission to reconsider how fragrance formulations supplied to industrial sites, for further formulation, should be categorised under the new poison centre notification rules.

Under the rules, set out in an [EU Regulation](#) published in March, mixtures for industrial use have less stringent requirements and several years longer to comply than those for consumer or professional use.

Ifra says if the Commission's current interpretation of the new rules stays, it will in effect require

all fragrance formulations to be regarded as mixtures for consumer use. This would mean they would have to submit full notifications by 1 January 2020, whereas industrial mixtures have an extra four years and benefit from derogations.

This, says an Ifra paper submitted to a recent meeting of Caracal (Competent Authorities for REACH and CLP), is wrong because such formulations are often ultimately destined for professional or industrial use. If a fragrance does end up in a consumer use and a poison centre needed information on its composition, says the trade body, it would still have the information in the safety data sheet and access to a 24/7 emergency response phone number.

'Discriminatory' and 'disproportionate'

Requesting a full data submission for fragrances is "totally disproportionate and irrelevant" and discriminates against EU formulators, says Ifra. Poison centres, it says, only need information about the composition of the final mixture to be able to handle accidents and exposure.

Exposure to a fragrance formula for further processing is irrelevant because it will be further diluted or modified in the final product. Also, says Ifra, the concentration of fragrances in final mixtures is usually very low and these are often not classified as hazardous and thus do not have to be notified anyway.

Ifra's arguments are due to be discussed again at the next Caracal meeting in June.

Early efforts

Some trade bodies had previously tried to persuade the Commission to exclude some professionally used mixtures from the obligations altogether.

But, in April 2015, the authorities concluded that the provision of information to national poison centres on the chemical composition of mixtures should be mandatory, not voluntary.

Vanessa Zainzinger

Biocides editor

Related Articles

- [EU Commission publishes CLP poison centres amendment](#)
- [EU Commission suggests timetable for poison centre proposals](#)
- [Member states support mandatory poison centre notification](#)

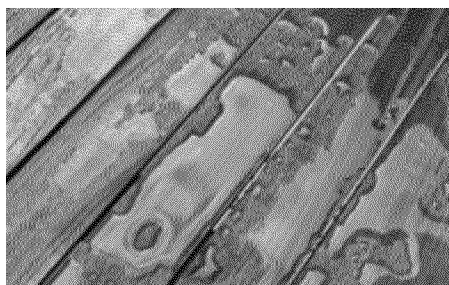
Further Information:

- [Ifra Caracal paper](#)
- [Commission poison centres webpage](#)

Furniture industry opposes French VOC Regulation

Efic calls for European harmonisation on formaldehyde emission levels

27 April 2017 / Built environment, France



The European Furniture Industries Confederation (Efic) has outlined its concerns about France's proposed Regulation on Volatile Organic Compounds (VOCs) labelling of furniture products.

In January, French authorities notified the European Commission of a draft order and a decree on the labelling of wood-based furniture products regarding their formaldehyde emission levels.

Efic is calling for European harmonisation on formaldehyde emission levels from wood-based panels and says that France's draft decree establishes ad hoc demands and testing requirements for the French market only. This, it adds, would create an "unproportionate barrier" to trade and impose "enormous costs" for SMEs, without increasing protection for consumers.

It says that the best approach is to impose a general requirement for wood-based panels, with a maximum level of emissions allowed. This approach has been introduced at the national level by legislation in eight countries in the EU.

The proposed Regulation would see product labels that highlight formaldehyde emission levels through a class system, A+ to C.

CLASSES	C	B	A	A+
Formaldehyde	$\geq 10 \mu\text{g.m}^{-3}$	$< 10 \mu\text{g.m}^{-3}$	$< 5 \mu\text{g.m}^{-3}$	$< 3 \mu\text{g.m}^{-3}$

As outlined in the proposal, the Regulation will apply on 1 January 2020, for products placed on the market after that date. For products placed on the market before this, it will apply from 1 January 2021.

As required by an EU Directive (2015/1535), France notified the Commission of the draft requirements before they are adopted.

This is "a preventive mechanism which opens a dialogue aimed to ensure the smooth functioning of the internal market and to address potential issues before a technical regulation is adopted," says a Commission spokesperson.

Italy, Poland, Spain, Latvia and the UK issued opinions, during the first three months standstill period of the notified Regulation, which ended on 20 April. This had the effect of extending this period by three additional months until 20 July. Austria, Germany and the Commission also issued comments on the draft Regulation.

Trade associations which submitted comments include the French Trade Federation of House Furnishing and Equipment (FNAEM), the Spanish Particleboard and Fibreboard Manufacturers Association (ANFTA) and the British Furniture Confederation.

According to the EU notification procedure, France must take into account the issues raised and reply explaining the actions it intends to take.

Tammy Lovell

Business Reporter

Further Information:

- [Efic press release](#)
- [French draft order](#)
- [French draft decree](#)

Congressman calls for budget meeting with US EPA

27 April 2017 / United States

Frank Pallone (D-New Jersey), ranking member of the House Energy and Commerce Committee, has sent a letter to US EPA Administer Scott Pruitt requesting a briefing on the proposed budget cuts to the agency.

The request comes following the leak of an internal memo from EPA Acting Chief Financial Officer David Bloom that [detailed](#) the proposed cuts, which amount to 31% of the agency's annual operating budget.

In line with the Trump administration's '[budget blueprint](#)', released earlier this year, these call for elimination of the Integrated Risk Information System (IRIS) programme, cutting the funding of the Office of Research and Development (ORD) from nearly \$483m to \$250m, and a 44% reduction in budget and 22% cut in staff at the Chemical Safety for Sustainability (CSS) Research programme, among others.

"It is unacceptable that we have only heard of the proposed staff and funding cuts – and the elimination of more than 50 critical programmes – through unofficial sources," Mr Pallone said in his 20 April letter.

Mr Pallone has asked for an official briefing that would focus on the programmes and initiatives that fall under the committee's jurisdiction. That includes proposed budget and spending breakdowns, future state and regional funding, current and future employment numbers, elimination and consolidation plans for allegedly duplicative programmes and timelines for implementing changes.

Related Articles

- [Agencies to begin implementing Trump 'budget blueprint'](#)
- [Trump proposes massive cuts to EPA](#)

Further Information:

- [Letter](#)

Senate version of Regulatory Accountability Act introduced

US business groups laud effort to expand 'transparency and agency accountability'

27 April 2017 / TSCA, United States



US Senators Rob Portman (R–Ohio) and Heidi Heitkamp (D–North Dakota) have introduced the Senate version of the Regulatory Accountability Act (RAA), a measure aimed at reforming the process by which federal agencies implement new regulations and guidance documents.

Among others, the bill would impose new cost-benefit analysis, expand public participation in rulemakings, create an automatic review every ten years for major regulations, and codify certain regulatory executive orders.

Mr Portman said the legislation "would bring our outdated federal regulatory process into the 21st century by requiring agencies to use the best scientific and economic data available, strengthening checks and balances, and giving the public a voice in the process."

The House passed its own version of the RAA (HR 5) in the early days of the legislative session on a 238-183 vote.

The US Chamber of Commerce lauded the measure, saying it "would make the first major changes to the federal regulatory process in seven decades".

"The Regulatory Accountability Act would increase scrutiny of the most expensive rules that cut across industries and sectors, requiring greater transparency and agency accountability," said the business group. It urged the Senate to take fast action on the measure.

The American Chemistry Council (ACC) is also among trade groups that have previously voiced support for RAA and broader efforts to reform the regulatory process.

But NGO the Environmental Working Group says the bill, if passed into law, would "make it virtually impossible for federal agency to enact rules".

The Union of Concerned Scientists criticised the measure as a "short-sighted all-out assault on science-based policies" that "gives companies more opportunities to interfere with the development of vital safeguards".

The Environmental Defense Fund has also flagged up concern that passage of bills like the RAA could pose a "very real threat" to successful implementation of the new TSCA law.

The bill's introduction comes amid many initiatives under the Trump administration and Republican-controlled Congress to roll back the regulatory 'overreach' of the previous administration.

President Trump has issued several executive orders, directing agencies to determine the most burdensome regulations and to seek to repeal or modify them.

The EPA is scheduled to begin a review of regulations promulgated under TSCA next week, as part of this effort.

House Republicans have introduced or passed a variety of bills, aimed at streamlining the regulatory process, improving the EPA's use of science, and increasing the transparency behind regulatory actions.

Senate Republicans, meanwhile, have introduced a separate slate of regulatory reform measures.

Kelly Franklin

Editor, North America

Related Articles

- [US House pushes aggressive regulatory rollback agenda](#)
- [Regulatory reforms could pose 'very real threat' to TSCA implementation](#)
- [Trump issues regulatory reform executive order](#)
- [Trump issues executive order to slash regulations](#)
- [TSCA new chemicals programme named a top regulatory burden](#)
- [US EPA to convene TSCA regulatory reform meeting](#)
- [Senate Republicans introduce regulatory reform bills](#)

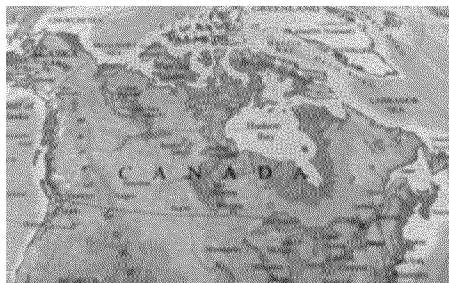
Further Information:

- [Bill](#)
- [US Chamber statement](#)
- [EWG statement](#)
- [UCS statement](#)
- [Portman release](#)

Canada outlines regulatory approach to ban asbestos

Regulations will aim to remove six asbestos minerals

27 April 2017 / Canada, Environmental Protection Act, Mining & minerals



Environment and Climate Change Canada (ECCC) and Health Canada (HC) have released for consultation a proposed regulatory approach for prohibiting asbestos and asbestos-containing products.

Consistent with plans announced [late last year](#), it calls for the enactment of regulations that would ban the import, use and sale of asbestos and asbestos-containing products under the Canadian Environmental Product Act (Cepa). It also seeks a prohibition on the export of these products through amendments to the existing Export of Substances on the Export Control List Regulations (ESECLR).

The proposed approach is part of a broader effort from the Canadian government to protect against exposure to the substance. This includes a commitment to update Canada's international position regarding its listing as a hazardous material under the Rotterdam Convention.

The regulations, expected to be published in December, would ban six minerals: asbestos, actinolite, amosite, anthophyllite, chrysotile, crocidolite and tremolite. They are slated to take effect no later than 2018.

Products manufactured or imported before the regulations come into force, as well as naturally occurring traces of asbestos, would be exempt. Additional proposed exclusions include:

- mining and the processing of mining residues for certain purposes;
- asbestos that is contained in pest control products; and
- its use in a laboratory for analysis or in scientific research, in a quantity below a threshold of one gram.

Asbestos was historically used for insulating buildings and homes and for fireproofing. While many uses have been phased out, the substance can still be found in:

- cement and plaster products, such as cement pipe and cement flat board;
- industrial furnaces and heating systems;
- building insulation;
- floor and ceiling tiles;
- house siding;
- car and truck brake pads; and
- vehicle transmission components, such as clutches.

In comments submitted following publication of the notice of intent to create regulations stakeholders generally supported the prohibition, Canada said. Some requested that the government include no exemptions.

Others, however, noted a "need to consider exemptions for certain industrial uses, citing socio-economic challenges in moving to asbestos-free alternatives", said the government. Several stakeholders also urged the government to ensure any restrictions are risk-based.

Asbestos outside Canada

The EU has banned asbestos, except for a time-limited exemption for the use of diaphragms containing chrysotile asbestos in electrolysis installations.

Australia has banned it in a number of different cases.

The US is currently evaluating the potential risks to human health from asbestos as one of the first [ten chemicals](#) subject to review under the new TSCA. It has banned the substance's use in certain paper products, but many uses – such as in vinyl floor tile and disk brake pads – are still permitted.

Consultation

The government is seeking data on companies' uses in products, including the possible use of

alternative substances, the amount currently held in inventory and any materials that naturally contain traces of asbestos, among others.

Canada will accept comments on the proposed approach until 4 June.

David Stegon

North America deputy editor

Related Articles

- [Canada to ban asbestos](#)
- [EPA names first ten chemicals for new TSCA evaluations](#)

Further Information:

- [Consultation document](#)
- [Government approach to asbestos](#)

US alternative testing body to hold public meeting

27 April 2017 / Alternative approaches to testing, United States

The US National Toxicology Program's Interagency Coordinating Committee on the Validation of Alternative Methods (Iccvam) will convene a public forum on 23 May.

Iccvam aims to promote collaboration between governmental and nongovernmental groups – including academia, industry and advocacy groups – on issues related to advancing alternatives to animal testing. It has held annual public forums since 2014 to facilitate the exchange of ideas from stakeholders.

The meeting will take place in Bethesda, Maryland. It will focus on the committee's efforts to develop new approaches for evaluating the safety of chemicals and medical products.

Interested persons may provide public oral statements and attend either in person or via webcast.

Further Information:

- [Notice](#)

UK chemicals forum updates REACH 2018 SME guidance

27 April 2017 / REACH, Substance registration, United Kingdom

The UK Chemicals Stakeholder Forum (UKCSF) has updated its guidance for SMEs and downstreams users on the 2018 REACH registration deadline.

UKCSF is the UK environment department's stakeholder group on chemicals policy and includes representatives from government, business and civil society groups.

The aim of the update to the guidance, which was published in 2015, is to raise awareness of the deadline and to help companies consider what they have to do, in particular, to prepare and submit dossiers to Echa.

It is also aimed at downstream users, which need to assess the potential for disruption to their supply chains if substances on which they depend are not registered.

The guidance comprises three parts:

- a 13-page generic note covering what SMEs need to know about the registration deadline, including information about substance information exchange forums (Siefs), registration costs and alternatives to animal testing;
- a 14-page self-assessment guide for SMEs which are downstream users of low-volume chemical substances (as formulators or end users), or distributors. It aims to help companies understand and create their product portfolio; and
- a three-page self-assessment questionnaire for SMEs manufacturing or importing articles to help them understand their registration and other obligations.

In the explanatory note to the guidance, the Chemical Industries Association's (CIA) chief executive Steve Elliott said UKCSF feedback indicates there is still a need to raise awareness on REACH 2018 and its implications for UK business.

"We hope this guidance will help first-time registrants consider what needs to be done to meet the deadline, as well as encourage users of chemicals to assess the impact on their products," he said.

The note was circulated at the forum meeting today. UKCSF members discussed the need for an amendment to provide explicit reference to the legal obligations of UK-based companies, to register their substances under REACH by the deadline. This should be made clear regardless of the UK's current EU exit negotiations, they said.

However, after deliberation it was agreed that, if companies are in any doubt, they should contact the UK competent authority's REACH helpdesk.

The guidance should be available on the UKCSF website soon.

Related Articles

- [Coatings sector raises concern over UK REACH, CLP rules](#)

Further Information:

- [UKCSF website](#)

US EPA issues 'not likely to present unreasonable risk' determinations

27 April 2017 / Substance notification & inventories, TSCA, United States

The US EPA has issued section 5(a)(3)(C) determinations for six substances that were the subject of pre-manufacture notices (PMNs). These are:

- generic hydrogenated dihalo dialkyl diindolotriphenodioxazine, dihydrodisubstituted isoindolyl alkyl derivatives for use as a pigment additive for industrial coatings;
- fatty acids, C8-10, diesters with .alpha.-hydro-.omega.-hydroxypoly(oxy-1,4-butanediyl) for use as a viscosity modifier;
- fatty acids, C8-10, mixed esters with C18-unsaturated fatty acid dimers and .alpha.-hydro-.omega.-hydroxypoly(oxy-1,4-butanediyl) for use as a gear lubricant;
- generic modified 1,3-isobenzofurandione, polymer with 1,2-ethanediol, 2-ethyl-2-(alkoxyalkyl)-1,3-propanediol and 1,3-isobenzofurandione, alkanoate for use as a prepolymer in the manufacture of polyurethane polymers;
- generic 2-propenoic acid, polymer with alkene and alkenyl acetate, alkyl 2-alkyl isoalkyl esters for use as a pour point depressant in crude oil and petroleum-based products; and
- generic copolymer of alpha-olefin and dibutyl maleate for use as a lubricant for aqueous metalworking fluids.

In each case, the substance was determined not likely to present an unreasonable risk, based on low human health and environmental hazard.

The determinations were made between 13 and 30 March, for reviews that started from November 2016 to January this year.

Further Information:

- [Determinations](#)

CVS Health to remove chemicals of concern from more than 600 products

Firm targets parabens and phthalates

27 April 2017 / Healthcare, Parabens, Phthalates, Restricted substance lists, Retail, United

States, Voluntary action



US pharmacy and health care provider CVS Health will remove parabens, phthalates and the most prevalent formaldehyde donors from nearly 600 beauty and personal care products.

Formaldehyde donors are used as preservatives in personal care products. They release a small amount of formaldehyde throughout a product's shelf-life.

The products covered are from its store brand CVS Health, Beauty 360, Essence of Beauty and Blade product lines. The company says it will stop shipping those that contain the substances to distribution centres, by the end of 2019.

It said the commitment is in response to customers, who voiced a "desire for products that still provide the benefits they need, but with fewer ingredients of concern".

Mike Schade, Mind the Store campaign director for NGO Safer Chemicals, Healthy Families, said the announcement was an "exciting milestone ... for retailers and the role they play in driving change toward safer consumer products".

Restricted substances

"In recent years, CVS Health has made important progress in continuing to drive toxic chemicals out of products," said Mr Schade.

On 19 April, the company published a restricted substances list. The list includes 11 types of formaldehyde and donors, six parabens and 11 phthalates. And, last year, the company became a signatory of the [Chemical Footprint Project](#), which provides firms a platform to disclose business progress on safer chemicals and provides tools to help reduce chemicals of high concern.

The company also removed triclosan from all CVS Brand products in 2015, as well as most name brand products.

Last November, CVS received the third highest grade from Safer Chemicals, Healthy Families in the NGO's annual "[Mind the Store](#)" report.

It scored well in the report on areas of oversight, action taken to reduce or eliminate chemicals of high concern and in keeping an open dialogue during the Mind the Store campaign. The

company struggled, though, in its use of safer alternatives, transparency and a lack of third-party standards.

"As a company focused on health and wellness, CVS should continue to prioritise the reduction, elimination and substitution of chemicals linked to chronic diseases on the rise in our communities," said Mr Schade.

David Stegon

North America deputy editor

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